

MURPHY AUSTIN ADAMS SCHOENFELD LLP  
ATTORNEYS AT LAW

1 STEVEN LAMON, SBN 124853  
2 LISA D. NICOLLS, SBN 234376  
3 MURPHY AUSTIN ADAMS SCHOENFELD LLP  
4 304 "S" Street (95811-6906)  
5 Post Office Box 1319  
6 Sacramento, California 95812-1319  
7 Telephone: (916) 446-2300  
8 Facsimile: (916) 503-4000  
9 Email: slamon@murphyaustin.com  
10 Email: lnicolls@murphyaustin.com

11 Attorneys for Use-Plaintiff  
12 ALL YEAR, INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION

16 The United States of America for the Use  
17 and Benefit of ALL YEAR, INC., a  
18 California corporation,

19 Use-Plaintiff,

20 v.

21 BONESO BROTHERS  
22 CONSTRUCTION, INC., a California  
23 corporation; LIBERTY MUTUAL  
24 INSURANCE COMPANY, a  
25 Massachusetts corporation; and FIDELITY  
26 AND DEPOSIT COMPANY OF  
27 MARYLAND, a Maryland corporation,

28 Defendants.

Case No. C 11-05489 PSG


**STIPULATION AND ~~PROPOSED~~  
ORDER DISMISSING ACTION WITH  
PREJUDICE**

29 Plaintiff The United States of America for the Use and Benefit of ALL YEAR, INC., a  
30 California corporation (hereinafter "Plaintiff") and Defendant BONESO BROTHERS  
31 CONSTRUCTION, INC., a California corporation (hereinafter "Defendant"), by and through  
32 their respective counsel of record herein stipulate that the above-captioned action be dismissed in  
33 its entirety and with prejudice, each party to bear its own costs.

1 IT IS SO STIPULATED.

2  
3 Dated: December 6, 2011

MURPHY AUSTIN ADAMS SCHOENFELD LLP

4  
5 By: 

6 STEVEN LAMON  
7 LISA D. NICOLLS  
8 Attorneys for Use-Plaintiff  
9 ALL YEAR, INC.

10 Dated: December 2, 2011

HERRIG & VOGT, LLP

11 By: 

12 GEORGE F. VOGT, JR.  
13 Attorneys for Defendant  
14 BONESO BROTHERS CONSTRUCTION,  
15 INC.

MURPHY AUSTIN ADAMS SCHOENFELD LLP  
ATTORNEYS AT LAW

~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties and GOOD CAUSE APPEARING:

IT IS HEREBY ORDERED that:

1. The entire action is hereby dismissed with prejudice, each side to bear its own costs.

IT IS SO ORDERED.

DATED: 12/13/2011

*Paul S. Gend*  
U.S. ~~DISTRICT COURT~~ JUDGE  
MAGISTRATE

MURPHY AUSTIN ADAMS SCHOENFELD LLP  
ATTORNEYS AT LAW